



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,809	04/30/2001	Jean-Luc Taurel	109419	9965

25944 7590 12/28/2004

OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER

CHAMBERS, A MICHAEL

ART UNIT PAPER NUMBER

3753

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/843,809

Applicant(s)

TAUREL ET AL.

Examiner

A. Michael Chambers

Art Unit

3753

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12/08/04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-6 and 9-30.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☒ The drawing correction filed on 04/30/01 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_



A. Michael Chambers  
Primary Examiner  
Art Unit: 3753

**DETAILED ACTION**

1. The amendment after filed December 8, 2004, has been considered. Claim 31 will be cancelled for purposes of appeal. Applicants' remarks were considered, but fail to put the application in condition for allowance. Contrary to applicants' remarks, and as discussed in detail in the final rejection, Shaibo clearly shows a fuel tank having an exterior shell (Figure 2) made of two tank portions 3 and 4. A pump 7 includes a pumping portion in adjacent to support 6 entirely within the shell of the tank. Shaibo further shows a tank made of molded plastic. Applicants contradict themselves on page 7 and page 8, respectively, when they state that Shaibo does not teach "molded plastic material" construction and then state that compartment (4,5) and flange 4a are made from polyacetal resin. Shaibo clearly shows a compartment 10 (to which the filtered pump 7 is fixed) which includes a pump support 6 integrally molded thereto (column 3, lines 37+). The compartment 10 which includes the support 6, shown in Figure 1, is held to the bottom wall and is clearly integrally molded. As discussed in paragraph 7 of the final rejection, "integral" had been changed to "one piece", and as stated in the final rejection, because Shaibo can be read as integral and thus the compartment which includes the pump support 6 can be read as "one-piece" with respect to portion 4 of the shell forming the fuel tank. See the case law discussed in paragraph 3, in particular line 7 of the final rejection. As stated in the case law, integral is not necessarily restricted to one-piece article(s). Contrary to applicants' remarks it is not unclear how the elements of the patent to Shaibo are being applied to the claims.



**A. MICHAEL CHAMBERS  
PRIMARY EXAMINER  
ART UNIT 3753**